

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TREMONT SECURITIES LAW,	:	
STATE LAW AND INSURANCE	:	Master File No. 08 Civ. 11117 (TPG)
LITIGATION	:	
_____	:	
This Document Relates to:	:	
	:	
	:	No. 10 Civ. 09252 (TPG)
	:	
CUMMINS, INC., as the authorized	:	
representative of the Cummins Inc. Grantor	:	Electronically Filed
Trust dated September 10, 2007, as amended,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
NEW YORK LIFE INSURANCE	:	
COMPANY, ET AL.,	:	
	:	
Defendants.	:	
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**NOTICE OF MOTION BY THE MASSMUTUAL DEFENDANTS
TO DISMISS THE COMPLAINT**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, upon the Memorandum of Law submitted herewith, defendants Massachusetts Mutual Life Insurance Company and MassMutual Holding LLC (“MassMutual”), by their counsel, Bingham McCutchen LLP, will move this Court before the Honorable Thomas P. Griesa, at the Daniel Patrick Moynihan United States Courthouse at 500 Pearl Street, New York, New York, on a date and at a time to be designated by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing with prejudice plaintiffs’ claims against MassMutual for fraud (Count II), negligent misrepresentation (Count III), unjust enrichment (count IV), and aiding and abetting fraud and breach of fiduciary

duty (Count VI).

PLEASE TAKE FURTHER NOTICE that the last day to serve any opposition papers to this motion is February 29, 2012 pursuant to the Court's November 14, 2011 Order (Dkt. No. 8).

DATED: January 31, 2012

BINGHAM McCUTCHEN LLP

/s/ Carol E. Head

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